

REMARKS

The Final Office Action mailed on June 19, 2008 has been reviewed carefully and the application amended in a sincere effort to place the application in condition for allowance. Accordingly, reconsideration of the rejection of the claims and allowance of the same, are respectfully requested on the basis of the following remarks.

Upon entry of this response claims 1, 5-23, 26-31, 40, 43-52, and 55-57 will be pending in the application.

Rejection of Claims 1, 5-23, 26-31, 40, 43-52, and 55-57 under 35 U.S.C. §112

The Examiner has rejected claims 1, 5-23, 26-31, 40, 43-52, and 55-57 under 35 U.S.C. §112, second paragraph. The Applicants have amended claims 1, 30, 40, 46, and 48 to address the issues raised by the Examiner. Support for these amendments can be found in paragraph [0040] of the application as filed. Accordingly, the Applicants submit that these claims, and any claims that depend therefrom, now comply with 35 U.S.C. §112, second paragraph, and request that the rejection of the claims be withdrawn.

Rejection of Claims 1, 5-23, 26-31, 40, 43-52, and 55-57 on the Ground of Nonstatutory Obviousness-Type Double Patenting

The Examiner has rejected claims 1, 5-23, 26-31, 40, 43-52, and 55-57 as allegedly being unpatentable over claims 1-16 of U.S. Pat. No. 5,922,475 (hereinafter, "Barancyk") in view of U.S. Pat. No. 6,306,965 (hereinafter, "Anderson").

The Examiner has conceded that Barancyk does not disclose the use of a donor monomer selected from isobutylene, diisobutylene, dipentene, and isoprenol. Therefore, the Examiner relies on Anderson to disclose such a feature. See page 7 of the Final Office Action. Specifically, the Examiner states that Anderson clearly discloses the use of olefins, such as isobutylene and diisobutylene, to make the polymer described in that patent. The Examiner, therefore, asserts that it would have been obvious to one skilled in the art to use an olefin as a reactive ingredient in the manufacture of the polymer disclosed in Barancyk since such a modification would yield a coating composition with a combination of good exterior durability, acid etch, water spot resistance, and gloss and appearance. See page 7 of the Final Office Action.

However, the Applicants submit that one skilled in the art would not make such a modification. This is because Barancyk states that the coating compositions disclosed

therein already exhibits "excellent acid resistance" and "mar resistance" when compared to compositions containing little or no aminoplast. See column 14, lines 48-50. Additionally, Barancyk states that the coating compositions disclosed therein exhibit "improved acid etch resistance," while maintaining acceptable gloss, DOI, hardness, and mar resistance, when compared to conventional hydroxyl-aminoplast type compositions as well as to compositions containing no carbamate functional polymers. See column 14, lines 42-45. Because Barancyk already discloses a coating composition that meets or exceeds conventional expectations, the Applicants submit that there would be no motivation to modify Barancyk with the teachings from Anderson.

Additionally, it is known that the chemical art is highly unpredictable in nature. There is no teaching and/or suggestion that modification of Barancyk, as proposed by the Examiner (i.e., adding a reactive ingredient to the reactive mixture), would yield a coating composition having improved properties. Additionally, Anderson discloses a total of sixty seven (67) different compounds, of which olefins is one class, which can be used as monomer "M" (monomer that is free of carbamate functionality) in that patent. The Examiner has failed to indicate why one skilled in the art would select isobutylene or diisobutylene from that list. Considering the highly unpredictable nature of the chemical art in addition to the fact that Anderson discloses sixty seven different compounds that can be used in a polymerization reaction with another monomer, the Applicants submit that there is no motivation to make the modification as suggested by the Examiner and that the Examiner has not established a prima facie case of obviousness.

Because a prima facie case of obviousness has not been established and because neither Barancyk nor Anderson discloses and/or suggests every feature that is recited in claims 1 and 40, the Applicants submit that the rejection of these claims are improper. Accordingly, the Applicants request that the rejection of these claims be withdrawn.

Rejection of Claims 1, 5-23, 26-31, 40, 43-52, and 55-57 under 35 U.S.C. 103(a)

The Examiner has rejected claims 1, 5-23, 26-31, 40, 43-52, and 55-57 under 35 USC §103(a) for allegedly being unpatentable over Barancyk in view of Anderson.

For the reasons stated in the section relating to the "Nonstatutory Obviousness-Type Double Patenting" rejection, the Applicants submit that a prima facie case has not been established and that there would be no motivation to combine the references as the Examiner has suggested.

Accordingly, the Applicants submit that these claims are in condition for allowance.

Conclusion

In light of the foregoing arguments, it is submitted that claims 1, 5-23, 26-31, 40, 43-52, and 55-57 are in proper form for issuance of a Notice of Allowance and such action is respectfully requested at an early date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Diaz".

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